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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,479	09/13/2001	Siegfried Schweidler	PD990014	6074
7590	01/13/2006		EXAMINER	
Joseph S Tripoli Thomson Multimedia Licensing PO Box 5312 Princeton, NJ 08540			LI, ZHUO H	
			ART UNIT	PAPER NUMBER
			2185	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,479

Applicant(s)

SCHWEIDLER ET AL.

Examiner

Zhuo H. Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/8/2005 has been entered.

Response to Amendment

2. This Office action is in response to the amendment filed 6/6/2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyer et al. (US PAT. 5,410,546 hereinafter Boyer).

Regarding claim 1, Boyer discloses a method for the management of data received via a serial data bus (108, figure 1) in a receiving device (107, figure 1), comprising the steps of

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receiving data transmitted in bus packets having a variable length (col. 6 lines 12-15), each bus packet having a header portion and a data portion read as a payload data field (col. 6 lines 2-11), the payload data field being divided into data blocks having a defined length, a combination of a defined number n of data blocks forming a data source packet of fixed length, section-by-section transmission of the data source packet within the framework of data blocks being permitted (col. 6 lines 30-40 and col. 10 lines 9-64), and a counter (415, figure 4) for carrying out a modulo- n counting of the data blocks in order to determine the data source packet boundaries (col. 13 lines 1-19) and in that the beginning of a new data source packet is signaled to a memory management device (102, figure 1) at the beginning of the next counting interval (col. 13 lines 30-64 and col. 16 line 66 through col. 17 line 6).

Regarding claims 2-3, Boyer teaches each bus packet being subjected to CRC checking and the checking results being buffer-stored in order to be able to ascertain whether a data source packet transmitted in two or more bus packets has been transmitted without transmission errors, wherein a reference counter reading is transmitted in each bus packet in order to check the completeness of the transmitted data, and in which comparison counting of the received data blocks is effected and, when the data block associated with the reference counter reading is received, the result of the comparison counting is compared with the reference counter reading and an error signal is output in the event of non-correspondence (col. 7 lines 11-24).

Regarding claim 5, Boyer discloses an apparatus for the management of data received via a serial data bus (108, figure 1) in a receiving device (107, figure 1), comprising a receiver (410, figure 4) for receiving data transmitted in bus packets having a variable length (col. 6 lines 12-15), the bus packet having a header portion and a data portion read as a payload data field (col. 6

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lines 2-11), the payload data field being divided into data blocks having a defined length, a combination of a defined number n of data blocks forming a data source packet of fixed length, section-by-section transmission of the data source packet within the framework of data blocks being permitted (col. 6 lines 30-40 and col. 10 lines 9-64), having a memory unit (107, figure 1) to which the received data are written in order (col. 7 lines 5-11), and having a memory management device (102, figure 1) wherein a modulo- n counter (415, figure 4) is provided, which counts the received data blocks and output a data source packet start signal, i.e., transfer start address register, to the memory management device at the beginning of the next counting interval (col. 13 lines 30-64 and col. 16 line 66 through col. 17 line 6).

Regarding claims 6-7, the limitation of the claims are rejected as the same reasons set forth in claims 2-3.

Regarding claim 8, Boyer teaches a data counter (415, figure 4), by which data are counted in particular in units of bytes and which outputs a data block counting signal if the number of data that have been counted are as many as defined as belonging a data block (col. 13 lines 1-23

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US PAT. 5,410,546 hereinafter Boyer).

Regarding claim 4, Boyers differs from the claimed invention in not specifically teaches number n of data blocks of a data source packet corresponds to the number 8 and the modulo- n counting is correspondingly modulo-8 counting. However, having the number 8 and modulo-8 counting do not have a disclosed purpose nor is it disclosed to overcome any deficiencies in the prior art. As such, the number n of data blocks of a data source packet corresponds may contain any number based on the manufacture required. In addition, Boyer teaches DRAM ARRAY being logically subdivided into equal size sections (col. 10 lines 31-35), and a state control logic for determining the boundaries of page buffers within DRAM ARRAY (col. 10 lines 35-40). Thus it would have been an obvious matter of design choice to utilize the counting way of Boyer as defined in the claimed invention, wherein the counting data blocks are variable, which based on the variable length incoming data, as disclosed *supra*, since applicant has not disclosed that a

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number of 8 data blocks and modulo-8 counting, as opposed to other size, overcomes a deficiency in the prior art or is for any stated purpose.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (US PAT. 5,410,546 hereinafter Boyer) in view of Lo et al. (US PAT. 6,324,178 hereinafter Lo).

Regarding claim 9, Boyer differs from the claimed invention is not specifically teaches the data bus being designed according to the IEEE 1394 standard and the apparatus is part of data link layer module in the interface for this data bus. However, Lo teaches in IEEE1394 serial communication standard becoming a popular standard adopted by manufacturers of computer systems and peripheral components for its high speed and interconnection flexibilities (col. 1 lines 31-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Boyer in having the data bus being designed according to the IEEE 1394 standard and the apparatus being part of data link layer module in the interface for this data bus, as per teaching of Lo, because it provides high speed and interconnection flexibilities.

Response to Arguments

9. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 571-272-4183. The examiner can normally be reached on Tuesday through Friday 9:00am - 6:30pm, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BEHZAD JAMES PEIKARI
PRIMARY EXAMINER

Zhuo H. Li
Patent Examiner
Art Unit 2185

